

Serial No.: 09/414,764

Group Art Unit: 3761

REMARKS/ARGUMENTS

Claims 1 through 3, 5, 7, 13, 14, 16, 18, 19, 22, and 23 through 25 remain pending in this application.

Claims 1 through 3, 5, 7, 13, 14, 16, 18, 19, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bletziger, U.S. Patent No. 2,761,449 (hereinafter "Bletziger") in view of Kaczmarzyk et al., U.S. Patent No. 4,300,561 (hereinafter "Kaczmarzyk").

Claim 1 recites a dry expanding tampon pledget comprising a plurality of non-absorbent fibers and a plurality of absorbent fibers. The plurality of absorbent fibers is a combination of rayon fiber and superabsorbent fiber. A ratio of rayon fiber to superabsorbent fiber is about 70/30. The plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together to form the dry expanding tampon pledget. Immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the dry expanding tampon pledget in the applicator.

Claim 16 recites a dry expanding tampon pledget comprising a plurality of non-absorbent fibers and a plurality of absorbent fibers. The plurality of absorbent fibers is a combination of rayon fiber and superabsorbent fiber. The plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together to form the dry expanding tampon pledget. A percent ratio of the plurality of non-absorbent fibers to the plurality of absorbent fibers is about 25/75 to about 65/35. Immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the dry expanding tampon pledget in the applicator.

Claim 18 recites a dry expanding tampon pledget comprising a plurality of non-absorbent fibers. The plurality of non-absorbent fibers are selected from the group consisting of polyester, polypropylene, polyethylene, aramid, nylon, acrylic, bicomponent,

Serial No.: 09/414,764

Group Art Unit: 3761

and mixtures thereof. The plurality of absorbent fibers is a combination of rayon fiber and superabsorbent fiber present in a percent ratio of rayon fiber to superabsorbent fiber of about 70/30. The plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together to form the dry expanding tampon pledget. Immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the dry expanding tampon pledget in the applicator.

Claim 22 provides a dry expanding tampon pledget comprising a plurality of non-absorbent fibers. The plurality of non-absorbent fibers are selected from the group consisting of polyester, polypropylene, polyethylene, aramid, nylon, acrylic, bicomponent, and any combinations thereof. A plurality of absorbent fibers are made of a combination of rayon fibers and superabsorbent fibers. The plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together to form the dry expanding tampon pledget. Immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the dry expanding tampon pledget in the applicator.

Bletzinger fails to disclose or suggest that immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the dry expanding tampon pledget in the applicator, as recited by claims 1, 16, 18, and 22. Bletzinger provides that "[w]etting serves to release interlocking connections between the absorbent fibers in the compressed state of the tampon, partly by softening the fibers sufficiently to permit the resilient fiber content of the body to open up and thereby spread the fibers of the body so that the latter will be reexpanded thereby increasing the size of the interstices between the body fibers and the absorbing capacity of the body." (col. 4, lines 2-9). Bletzinger additionally provides that the rayon fibers are absorbent but nevertheless exhibit sufficient resiliency when wetted to provide the desired expansive force in the tampon body. (col. 7, lines 14-18). Bletzinger further provides "[c]ompressed tampons according to this invention and embodying fiber components as described, exhibit

Serial No.: 09/414,764

Group Art Unit: 3761

the very desirable characteristic of being self-sustaining or very stable in compressed condition but capable of very quick release and rapid expansion when wetted." (col. 7, lines 39-44). While discussing the fibers of the Bletzinger tampon, the Bletzinger disclosure provides that "the important thing" is that "they be selected for their resilient capacities or their fluid absorbing capacities, and combined in any suitable manner into a unitary or integrated body which, when compressed, will be stable in its compressed, normally dry condition, but expansible under the influence of the resilient fiber component when the locking effect incident to the compression is released by wetting." (col. 8, lines 24-31). Clearly, the Bletzinger tampon reexpands upon wetting. This is in contrast, to the dry expanding tampon pledget of claims 1, 16, 18, and 22 that immediately after complete ejection from the applicator, and prior to contact with menses, has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the dry expanding tampon pledget in the applicator.

In summary, Bletzinger merely provides that the reexpansion of the tampon body occurs within the vaginal cavity. Furthermore, Bletzinger fails to disclose or suggest a free diameter at a widest point from about 25% to about 300% larger than a diameter of the dry expanding tampon pledget in the applicator, as recited by claims 1, 16, 18, and 22.

Kaczmarzyk fails to cure the deficiencies of Bletzinger. Kaczmarzyk also fails to disclose or suggest that immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the dry expanding tampon pledget in the applicator, as recited by claims 1, 16, 18, and 22. Kaczmarzyk merely provides that the absorbent core contains superabsorbent particulate material in either fibrous or nonfibrous form. (col. 2, lines 39-40). Kaczmarzyk fails to disclose the claimed tampon expansion or any claimed tampon dimensions.

The Office Action asserts that if the tampon of Bletzinger is modified as taught above, then the resulting combination would provide the claimed free diameter since the claimed invention and the combination of Bletzinger and Kaczmarzyk would result in an identical product. Applicants respectfully disagree. As discussed above, the Bletzinger

Serial No.: 09/414,764


Group Art Unit: 3761

tampon reexpands upon wetting. Also, it clearly fails to provide specific dimensions of the Bletzinger tampon subsequent to reexpanding. Furthermore, as discussed above, Kaczmarzyk fails to disclose tampon expansion or any tampon dimensions. Thus, there is no support in the disclosures of either cited patent for a tampon that, immediately after complete ejection from an applicator, and prior to contact with menses, would be a dry expanding tampon pledget that has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the dry expanding tampon pledget in the applicator, as recited by claims 1, 16, 18, and 22. Therefore, the combination of Bletzinger and Kaczmarzyk does not result in a product as the claimed dry expanding tampon pledget of claims 1, 16, 18, and 22.

Claims 2, 3, 5, 7, 13, 14, and 19 depend from claims 1 and 18, respectively, and for at least the reasons set forth above for claims 1 and 18, thus, are also patentably distinguishable over Bletzinger in view of Kaczmarzyk.

It is respectfully submitted that claim 1 through 3, 5, 7, 13, 14, 16, 18, 19, and 22, are patentably distinguishable over Bletzinger in view of Kaczmarzyk. Accordingly, reconsideration and withdrawal of the §103(a) rejection are requested.

In view of the above, reconsideration and withdrawal of the rejections and passage of this application to allowance are respectfully requested.

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